GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

B.C.Welfare Department – Appeal petition filed by Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah, Chittoor District against proceedings D.Dis.C3/977/2015, dated:03.04.2017 of the Collector and District Magistrate, Chittoor District under section 7(2) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 – Appeal allowed – Orders – Issued.

BACKWARD CLASSES WELFARE (F) DEPARTMENT

G.O.Ms.No.15 **Dated:28.02.2024.**

Read the following:

1. Proceeding of the Collector & District Magistrate, Chittoor District vide D.Dis.C3/977/2015, dated:03.04.2017.
2. Orders of the Hon'ble High Court in W.P.No.12358/2021, dated:29.06.2021.
3. Appeal petition filed by Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah, Chittoor District, dated:10.08.2021.
4. Govt., Memo No.1616/BCW/F/2021, dated:19.08.2021.
5. From the Collector and District Magistrate, Chittoor District, letter REV-CSEC0VC(Cer)106/2021-DT(C3), dated:29.12.2021.
6. Govt. Memo.No.1485885/BCW/F/2023, dated:25.01.2024.

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ORDER:

In the reference 1st read above the Collector and District Magistrate, Chittoor District has issued orders stating that the applicant Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah and his family members are not belongs to "BC-Perika Balija" Caste and they belongs to Balija and BC-Perika Balija caste certificates if any issued in favour of the applicant deemed to be cancelled.

2. In the reference 2nd read above, Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah aggrieved by the orders of the District Collector, Chittoor in the reference 1st read above, has filed a Writ Petition No.12358/2021 in the Hon'ble High Court of A.P., wherein the Hon'ble High Court has directed the appellant to approach the Government for remedy.

3. In the reference 3rd read cited above, the appellant filed appeal petition before the Government with certain grounds, the gist of the grounds are as follows:

1) That his caste, Perika/Perike Balija, is ancestral and dates back to time immemorial. The DLSC report, deemed unfair and biased by the appellant, was filled with vague reasons, and the Respondent added illogical justifications to deny his caste status.

2) The Perika Balija community in Andhra Pradesh, primarily engaged in gunny bag weaving, pack-bullock trade, and rope making from jute, faces social, economic, and educational challenges, with their traditions considered socially backward. Some members also conduct businesses in salt and grain carriers.
3) That the Perika Balija is recognized as a sub-caste within the broader Balija ethnological group, consisting of 25 sub-castes, and the 1891 census indicates that while they claim a separate caste status, they are viewed more as a subdivision than a highly esteemed one within the Balija community, with their hereditary occupation centered around transporting goods using bullocks and donkeys in 'Perikes' or 'Packs'.
4) Respondent's accusation of fraud in obtaining school records lacks valid reasoning, and the DLSC failed to provide any rationale for such accusations.
5) That the school records, including Admission No.225/1952-53, Z.P High School Admission for the year 1961, and Transfer Certificates from T.P.P.M High School, Tirupati, and Z.P High School, K.K.V Puram, date back to the 1950s and 1960s, a period when India was newly independent, and Andhra Pradesh was recently formed. During this time, the Perika/Perike caste was not categorized as belonging to the backward class when entered into the school records by the appellant's parents, who were described as innocent and illiterate.

6) That the acknowledgment of Perika/Perike Balija as a backward caste occurred only in 1970, according to G.O.Ms No. 1793 dated 23.09.1970, following the Ananthraman Commission's Report. The school records were naturally entered without fraudulent intent.

7) In response to summary refusals by Tahsildhars and District Collector, Chittoor District, particularly for Perika/Perike Balija caste certificates, representations by Pokala Ashok Kumar, ZPTC, Pulicherla and Settivari Ramachandraiah, Ex-ZPTC of Somala led to the Director of Backward Classes requesting the Government to issue instructions. The Government, after careful consideration, issued Memo No.2378/C2/2010-3 Dt.04.08.2010, directing the District Collector, Chittoor, to issue necessary instructions for granting caste certificates to genuine applicants of the Perika caste duly following the procedure as detailed in Act No.16 of 1993.

8) The Respondent in this case emphasized that the primary occupation of the villagers in R.C.Puram Mandal is cultivation and adequate water for this purpose. The Respondent argued that there are no instances of residents from the Perika caste in the village and pointed out a discrepancy in the school records, and clarifying that it is the appellant's father's occupation, not the ancestors', that is listed as cultivation.

9) That the DLSC and the Respondent lacked knowledge and did not have proper understanding with regard to the societal changes. Just because a person is not doing his traditional occupation as per his caste he cannot

be derecognized from his caste. Such a view is contrary to the fundamental rights as enshrined in the constitution of India under article 14 and 19 (1) (g) which guarantees the freedom of practicing any profession, trade or occupation.

10) A person who belongs to the caste of the gunny bag weavers cannot be expected to remain as a gunny bag weaver in order to avail the benefits given to the social and economically backward classes.

11) Despite changes in their traditional occupation due to social and economic factors over time, the appellant and his father, even today, adhere to the customs, traditions, and rituals of the Perika Caste during marriages, festivals, death ceremonies, and in their food habits. The appellant's Vaishnavite family worships Hindu gods and deities, including Yelamma, Muthyalamma, Pochamma, and reveres the Gunny Bag in marriages and important occasions. Death ceremonies follow strict rituals, and married women in the appellant's family do not wear Pusthi, as per their traditions. Despite providing meticulous details about these practices in oral statements from the appellant and other elders and relatives of the Perika Caste, the authorities completely ignored this information.
12) The Respondent dismissed recommendations from the appellant's close relatives, recognized senior citizens of the Perika Caste, forming illogical conclusions about their caste based on their residence in Tirupati. This ignorance about the diverse population in Tirupati was evident.
13) That just because Sri Munirathnam, a retired Economics lecturer residing in Tirupati, was assumed not to belong to the Perika Caste, it demonstrates a lack of understanding of Tirupati's diverse population, where people from various castes, religions, including Sikhs and individuals from North India, coexist.
14) That Sri Munirathnam was questioned as a witness in a case about Sri P. Thulasi Ram's caste identity. The Government, in G.O.MS No.27 dated 06.10.2017, confirmed that P. Munirathnam is part of the Perika Balija community and is related to P. Thulasi Ram. As a result, a caste certificate was given to P. Thulasi Ram.
15) The Respondent inadequately appreciated old registered and unregistered documents, wrongly rejecting them on flimsy grounds like different surnames. The Respondent failed to understand the nuances of family structures and surnames in Andhra Pradesh, ignoring school records and service records that supported the appellant's Perika Caste claim.
16) Despite evidence from Mukku Narasimhulu and others, including service records, stating their Perika Balija caste, the Respondent ignored this information, leading to an erroneous order.
17) The DLSC's recognition of various surnames in a related case and the subsequent issuance of caste certificates based on Ananthaman Commission Report were not considered for the appellant, showcasing illogical and untenable reasons.
18) Senior citizen Mukku Damodaram's appointment order as Village Munsiff in 1983 mentioned his caste as Perika Balija, but this crucial evidence was disregarded in determining the appellant's caste status.
19) The appellant's wife and her sisters, with connections to Mukku Damodaram, further provide familial ties and caste continuity, supporting the appellant's Perika Caste claim.

20) The appellant's relatives, including his co-brother, son, sister's husband, and wife, all have records confirming their Perika Balija caste. The appellant's family has blood and marital ties with recognized Perikas in Chittoor District.
21) That the Anamala family, Mukku family, and Chintha family migrated to Settivaripalli before Independence. Their migration was influenced by the 'Settivaru,' also known as 'Aradhi Brahmins,' who were recognized for conducting various ceremonies and rituals for the Perika Community. This information is reportedly supported by the findings of the Anantharaman Commission.
22) That the appellant's family underwent a change in livelihood, shifting from traditional occupation to cultivation, which was not adequately examined by the DLSC or the Respondent.

4. In the reference 5th read above, the Collector and District Magistrate, Chittoor District has furnished the parawise remarks and gist of which is as under:

(i) Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah, residing in Settivaripalle H/o KKV Puram village of Ramachandra Puram Mandal sought a Perika Balija Caste certificate for himself and his children from the District Collector, Chittoor.
(ii) The matter was referred to the Revenue Divisional Officer, who reported that the applicant's forefathers were traditionally involved in agriculture, not the traditional occupations of gunny bag weaving and rope making.
(iii) The report stated that those engaged in specific livelihoods like weaving and rope making belong to "Perika Balija," as per the Anantharaman Commission's report. Consequently, it was concluded that the applicant and his forefathers did not belong to the "Perika Balija" caste. The Revenue Divisional Officer recommended referring the case to the District Level Scrutiny Committee for the finalization of caste status.
(iv) After reviewing the claimant's explanation and the Committee's findings, the District Collector, Chittoor, issued orders on 03-04-2017, declaring that Sri Anamala Vishwanadaiah and his family belong to the "Balija" caste, not "Perika" or "Perika Balija." Any previously issued Caste Certificates for "Perika" or "Perika Balija" were deemed canceled.

5. In the reference 6th read above, Notice was issued to the Appellant to attend for hearing on 06.02.2024 before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah has attended along with his counsel Sri T. Mohan and submitted certain copies of documents. A representative from the Office of the Tahsildar, R. C. Puram, Tirupati District has appeared before the Government.

6. The Government, after careful examination of the appeal petition and the circumstances stated by the appellant in his grounds and arguments/documents submitted in favour of his claim before the appellate authority at the time of

hearing of the case and para-wise remarks submitted by the District Collector, Chittoor in his letter 5th read above and also avermnets made at the time of hearing and also in exercise of the powers conferred u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), the appellate authority/Government is hereby decided to allow the appeal petition filed by Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah by set-asiding the proceedings of the District Collector, Chittoor issued in the reference 1st read above duly confirming the caste of the appellant as "BC-Perika Balija".

7. The Collector and District Magistrate, Chittoor District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Collector and District Magistrate, Chittoor District (relevant original records enclosed).

Sri Anamala Vishwanadaiah, S/o Late A. Muni Krishnaiah,
R/o Settivaripalli, Hamlet of K. K. V. Puram village,
Ramachandrapuram Mandal,
Chittoor District.

Copy to:

The Director, B.C.Welfare, A.P., Vijayawada.
The OSD to Hon' Minister (BCW).
PS to Spl. CS to Government, B.C. Welfare Department, A.P.Secretariat, Velagapudi.
S.C/S.F.

//FORWARDED::BY ORDER//

SECTION OFFICER

28/2/24